



W.P.(MD)No.7802 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.7802 of 2020
and
W.M.P.(MD)No.7283 of 2020**

V.Suganthi Hepzibah

... Petitioner

Vs.

1. The State of Tamil Nadu,
Through its Secretary to Government,
School Education Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Principal Accountant General (A&E),
Tamil Nadu,
Chennai - 600 018.
3. The Director of School Education,
College Road,
Chennai - 600 006.
4. The District Educational Officer,
Thoothukudi,
Thoothukudi.



W.P.(MD)No.7802 of 2020

WEB COPY

5. The District Educational Officer,
Tiruchendur,
Thoothukudi District.

6. The Correspondent,
Eliott Tuxford Girls Higher Secondary School,
Megnanapuram - 628 210,
Thoothukud District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the Government Order passed by the first respondent in G.O.(Ms).No.90, School Education (Pa.Ka) Department, dated 09.05.2018 and quash the portion of the paragraph 10(ii) in G.O.(Ms).No.90, School Education (Pa.Ka) Department, dated 09.05.2018 insofar as it denies the benefit of the G.O.(Ms).No.216, Finance (Pay Cell Department) dated 22.03.1993 to the petitioner as illegal and consequent direction may be issued to the respondents to direct the respondents to grant the benefits of G.O.(Ms).No.216, Finance (Pay Cell Department) dated 22.03.1993 to the petitioner as done by the respondents Selection / Special Grade Scale of pay with effect from 01.03.2017 and revise pensionary benefits and pay the arrears to the petitioner.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.J.Ashok
Additional Government Pleader



W.P.(MD)No.7802 of 2020

ORDER

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This Writ Petition has been filed to call for the records of the Government Order passed by the first respondent in G.O.(Ms).No.90, School Education (Pa.Ka) Department, dated 09.05.2018, quash the portion of the Paragraph No.10(ii) in G.O.(Ms).No.90, School Education (Pa.Ka) Department, dated 09.05.2018, insofar as it denies the benefit of the G.O.(Ms).No.216, Finance (Pay Cell Department), dated 22.03.1993 to the petitioner and consequently, direct the respondents to grant the benefits of G.O.(Ms).No.216, Finance (Pay Cell Department), dated 22.03.1993, to the petitioner as done by the respondents, Selection / Special Grade Scale of pay with effect from 01.03.2017 and revise pensionary benefits and pay the arrears to the petitioner.

2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Assistant on 14.08.1984 in St.Peter's Higher Secondary School, Ukkirankottai under the Management of CSI Tirunelveli Diocese. Thereafter, she was transferred to Higher Secondary Schools under the same Management and its bifurcated Management of Thoothukudi Nazareth



W.P.(MD)No.7802 of 2020

WEB COPY

Diocese. The Government have issued a Government Order in G.O.(Ms).No.304, Finance (Pay Cell) Department, dated 28.03.1990 granting Selection Grade and Special Grade to all the Secondary Grade Teachers. The said Government Order was challenged by one retired Secondary Grade Teacher worked in the Higher Secondary School in O.A.No.8276 of 1997 before the Tamil Nadu State Administrative Tribunal. The Tribunal, in its order, dated 07.10.1998, granted Selection Grade / Special Grade in the post of Headmaster of Primary School and due arrears as per G.O.(Ms).No.216, dated 22.03.1993. Thereafter, the petitioner was awarded with Selection Grade on 14.08.1994 in the post of Secondary Grade Teacher and Special Grade on 14.08.2004 and thereafter, she retired from service on 31.05.2013. Hence, the petitioner is also eligible to claim the benefits of G.O.Ms.No.216, dated 22.03.1993. But the G.O.(Ms).No.90, dated 09.05.2018 has been passed only to the petitioners therein in Review Application No.227 of 2015 etc., batch and prohibits the fresh petitions. Challenging the same, the present Writ Petition.



W.P.(MD)No.7802 of 2020

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is entitled to get benefits in terms of G.O.(Ms).No.216 dated 22.03.1993, however, the subsequent G.O.(Ms).No.90, dated 09.05.2018 prohibits for getting benefits in the aforesaid Government Order. Accordingly, he prayed for appropriate orders.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service as Secondary Grade Assistant on 14.08.1984. As per G.O.(Ms).No.216, dated 22.03.1993, without any promotion, the persons who completed ten and twenty years of service are entitled for Selection and Special Grade. Immediately after completion of ten years of service, the petitioner was awarded with Selection Grade in the year 1994 and after completion of twenty years, she was awarded with Special Grade in the year 2004. Thereafter, she retired from service in the year 2013. Hence, already the petitioner granted with service benefits under the above



W.P.(MD)No.7802 of 2020

WEB COPY
said G.O.(Ms).No.216, dated 22.03.1993 and challenging the subsequent G.O.(Ms).No.90, dated 09.05.2018 issued in respect of the persons who received the benefits, is not sustainable one. Hence, the prayer sought for in the present Writ Petition cannot be granted.

6. Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

23.12.2022

Index : Yes / No
Speaking Order : Yes / No

vji



W.P.(MD)No.7802 of 2020

WEB COPY

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W.P.(MD)No.7802 of 2020

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